

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JOHN ANTHONY SHUTWAY,	:	
Plaintiff,	:	
v.	:	Case No. 3:20-cv-148
MATTHEW MELVIN, <i>et al.</i> ,	:	JUDGE WALTER H. RICE
Defendants.	:	

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DECISION AND ENTRY REMANDING CASE TO CHAMPAIGN  
COUNTY COURT OF COMMON PLEAS; OVERRULING AS MOOT  
MOTION OF DEFENDANTS MATTHEW MELVIN, MATTHEW  
LARMEE, JOSH WELTY, ZACK PRICKETT AND BRANDON  
FENWICK TO DISMISS PLAINTIFF'S COMPLAINT (DOC. #5);  
TERMINATION ENTRY

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Following his arrest in connection with a traffic stop, *pro se* Plaintiff, John Shutway, filed suit in the Champaign County Court of Common Pleas against numerous law enforcement officers, seeking declaratory judgment and monetary damages. Doc. #2. Defendants Matthew Melvin, Matthew Larmee, Josh Welty, Zack Prickett and Brandon Fenwick removed the case to federal court on the basis of federal question jurisdiction, Doc. #1, and then filed a Motion to Dismiss Plaintiff's Complaint, Doc. #5.

In response, Plaintiff filed a document entitled "Notice of Failure of Jurisdiction," Doc. #8, in which argues that Defendants improperly removed the case to federal court. He states that his causes of action arise "exclusively under

the Ohio Constitution and Laws of Ohio.” *Id.* at PageID#129. Defendants interpreted this as a motion to remand under 28 U.S.C. § 1447(c), and stated that, if Plaintiff is not asserting any federal claims, they do not oppose a remand, Doc. #9. Plaintiff has filed nothing further.

Given that no federal claims have been asserted and that there is no diversity of citizenship among the parties, this Court lacks subject matter jurisdiction over Plaintiff’s claims. Accordingly, pursuant to 28 U.S.C. § 1447(c), the Court REMANDS the case to the Champaign County Court of Common Pleas. Defendants’ Motion to Dismiss, Doc. #5, is OVERRULED AS MOOT.

Date: June 25, 2020

 (tp - per Judge Rice authorization after his review)  
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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE